

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

IN RE: GUANTANAMO BAY DETAINEE
CONTINUED ACCESS TO COUNSEL

)
) Misc. No. 1:12-mc-398 (RCL)
)
)

NOTICE OF FILING

EXHIBIT A

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DECLARATION OF COLONEL JOHN V. BOGDAN

~~(U//FOUO)~~ I, John V. Bogdan, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. ~~(U)~~ I am a Colonel in the United States Army with 29 years of service. I currently serve as the Joint Detention Group (JDG) Commander of Joint Task Force-Guantanamo (JTF-GTMO), at the Naval Station, Guantanamo Bay, Cuba. As such, I am responsible for all aspects of detention operations at JTF-GTMO and am familiar with all areas of detention within JTF-GTMO, including the conditions and operational policies and procedures of the various detention areas. I am also familiar with the classification level of the information contained in my June 3, 2013, declaration. I have held this position since June 7, 2012.

2. ~~(U)~~ The matters stated herein are based on my personal knowledge and information made available to me in my official capacity; my conclusions have been reached in accordance therewith.

3. ~~(U)~~ In support of litigation in the District Court for the District of Columbia, I submitted a declaration dated June 3, 2013, detailing information about JTF-GTMO detention operational procedures. That declaration contains sensitive but unclassified information marked as FOUO ("For Official Use Only") that should not be released to the public for the reasons discussed below. After a thorough review by the Original Classification Authority, a publicly releasable version of the declaration has been created which redacts the minimum amount of information requiring protection.

4. ~~(U//FOUO)~~ All of the redactions in the June 3, 2013, declaration protect sensitive operational security and force protection measures in place at JTF-GTMO that the Government has historically sought to protect. Protecting this operational security and force protection information from the public remains critically important, as evidenced by the recent al-Qaida

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attacks on prisons at Abu Ghraib and Taji in Iraq. Those attacks killed 16 Iraqi guards and released hundreds of al-Qaida prisoners. Furthermore, Ayman al-Zawahri, al-Qaeda's leader, identified the JTF-GTMO detention facilities as a target during a 22 minute video posted July 31, 2013, stating, "the terror network will spare no effort to free prisoners held at the U.S. military-run detention center in Cuba". Release of the operational security and force protection information in the declaration threatens the JTF-GTMO guard force and would improve our enemies' abilities to attack the detention facilities at Guantanamo or undermine security at the facility.

5. ~~(U//FOUO)~~ In particular, the June 3, 2013 declaration discusses operational security information concerning (a) how and where detainees are moved, (b) when detainees cannot be moved, (c) the capabilities and limits of current guard force staffing, (d) details about the physical layout of the detention facilities, (e) risk for introduction of contraband, and (f) the physical details of the vans used for transporting detainees. The declaration also provided precise details of how detainees are now searched for external movements outside their residence camps, details not available [REDACTED] in the declaration. This information must be protected from public disclosure.

6. ~~(U//FOUO)~~ The details disclosed in the declaration would better prepare enemies to attack the detention facility. Information about detainee movements, guard force capabilities and limitations, the physical facility layout, [REDACTED] [REDACTED] when being transported in the vans would be useful to an enemy for identification and targeting purposes. The information about the risk for introducing contraband at a particular location reveals that there may still be a way for dangerous items to be introduced into the detention facility. To be sure, all of this information provides unique details about the

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operations at JTF-GTMO that would better prepare our enemies to plan an attack – data points that enable a blueprint of JTF-GTMO security operations to be created. Revealing this information to the public would provide detainees, visitors, and our enemies information which – on its own or combined with other information – would, at the very least, allow them to manipulate or undermine operational security and threaten the security of the guards, detainees, and visitors.

7. ~~(U//FOUO)~~ The search, restraint, and transportation procedures described in the June 3, 2013, declaration are force protection measures that are used at JTF-GTMO and other [REDACTED] detention facilities. Those force protection measures are essential to the need to maintain security in the detention facilities to protect the staff, inmates, and visitors. Additionally, the [REDACTED] declaration is unclassified, but sensitive, and revealing the citation combined with the declaration's in-depth description of how that search is conducted would reveal force protection procedures [REDACTED]

[REDACTED] Thus, revealing these force protection procedures and practices could compromise tactics, techniques, and procedures used at various [REDACTED] detention facilities, potentially requiring changes to the policies and procedures in place at the compromised [REDACTED] detention facilities that frequently receive new prisoners.

8. ~~(U//FOUO)~~ While the detainees are exposed to some of the operational security and force protection procedures described in the June 3, 2013, declaration, revealing to the public specific operational security measures and/or force protection procedures, and thus the limitations of those procedures, will enable our enemies, foreign or domestic, to better prepare for an assault or operation against JTF-GTMO. Furthermore, unrestricted dissemination of the information protected here, which is designated as sensitive but unclassified, would present risks

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to operational security and force protection in current detention operations, or if combined with other information, could create risks to national security or endanger U.S. personnel,

9. ~~(U//FOUO)~~ The June 3, 2013 declaration has not itself been publicly disclosed in full by DoD. The June 3, 2013, declaration was filed with the court under seal with appropriate classification portion markings noting the paragraphs containing sensitive information that required protection. DoD maintains that the information redacted for protection in the public version of the June 3, 2013, declaration should remain protected in order to prevent officially confirming the accuracy of the information released; indeed, a disclosure of the portions of the declaration I have determined require protection from public disclosure, while related to or, in some respects, the same as the information previously publicly released in this matter, would be a disclosure of the relevant information directly attributable to me as JTF-GTMO JDG Commander. Such a disclosure would compound the harm from the prior release and potentially be perceived as more useful to those who would seek to use the information. The June 3, 2013, declaration also should remain protected from public disclosure in order to minimize proliferation of the information contained in the declaration, which would make it more likely that the harms described would come to pass.

10. ~~(U)~~ For the aforementioned reasons, I have determined that each item of information marked for redaction protects DoD operational security and force protection measures as described above. Furthermore, because the information contained in this declaration describes why the information in my June 3, 2013, declaration should remain protected, and because those reasons themselves contain and independently constitute operational-security and force-protection information, this declaration itself should be considered sensitive, protected information.

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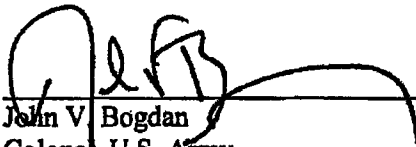
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(U) I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02 Aug 13, 2013.



John V. Bogdan
Colonel, U.S. Army
Commander, Joint Detention Group, JTF-GTMO

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